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February 6, 1939

Hon. O. J. S. Ellingson
General Manager
Texas Prison System
Huntsville, Texas

Dear Mr. Ellingson:

Opinion No. 0-224.

Re: \$50.00 discharge money and
clothing on leaving prison

Your request for an opinion on the following ques-
tion:

"Whether a person whose trial was illegal
and who will not be brought to trial for his
offense is entitled to \$50.00 discharge money
and clothing on leaving prison."

has been received by this office.

Article 6186a1, Revised Civil Statutes of Texas
reads as follows:

"When a prisoner is entitled to a dis-
charge from prison, he or she shall be fur-
nished with a written or printed discharge
from the manager, with seal affixed, signed
by the manager, giving prisoner's name, date
of sentence, from what County sentenced,
amount of commutation received, if any, the
trade he has learned, if any, his proficiency
in same, and such description as may be prac-
ticable. Such discharged person shall be fur-
nished with a decent outfit of citizen's cloth-
ing of good quality and fit, and two suits of
underwear; and when a person and/or convict
actually serves over one year, he shall re-
ceive Fifty Dollars (\$50.00) in money in addi-
tion to any money held to his or her credit,
provided that if a person and/or convict does

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not actually serve one year flat time, he shall not receive Fifty Dollars (\$50.00); but in lieu thereof a person serving less than one year actual time shall receive Twenty-five Dollars (\$25.00) in money in addition to any money held to his or her credit and a decent outfit of citizen's clothing of good quality and fit and two suits of underwear, provided that if the actual time served exceeds ten (10) years, the sum of money shall be Seventy-five Dollars (\$75.00), and if the actual time served exceeds twenty (20) years, the sum of money shall be One Hundred Dollars (\$100.00). As far as may be practicable the Prison Board may authorize a creation of a Bureau for the purpose of placing discharged prisoners in connection with employment, provided such will not be an extra expense to the Prison System."

In view of the foregoing statute, you are respectfully advised that it is the opinion of this Department that when a person and/or convict serves as much as one year flat time in the penitentiary he is entitled to the sum of \$50.00 in money in addition to the clothing as specified in said above quoted article and the fact that such person's trial was illegal does not release the State of the obligation to provide said clothing and the payment of the sum of \$50.00 when such person actually serves as much as one year flat time in the penitentiary.

Trusting that the foregoing answers your inquiry,
we remain

Very truly yours

ATTORNEY GENERAL OF TEXAS

By *Andell Williams*

Assistant

AW:AW

APPROVED:

Gerard B. Mann *mjm*
ATTORNEY GENERAL OF TEXAS